

ENTERED

January 24, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

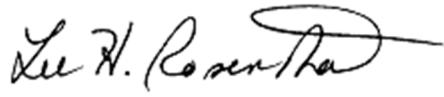
CADENCE BANK, §
v. §
Plaintiff, § CIVIL ACTION NO. H-23-2678
§
JPMORGAN CHASE BANK, N.A., §
Defendant. §
§
§

ORDER

This court has reviewed de novo the United States Magistrate Judge's Memorandum and Recommendation on the cross-motions for summary judgment, (Docket Entry No. 104); the objections filed by Cadence Bank, (Docket Entry No. 114); JPMorgan Chase Bank's responses to the objections, (Docket Entry No. 118); and Cadence Bank's reply, (Docket Entry No. 121). *See* FED. R. CIV. P. 72(b); 28 U.S.C. 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The Memorandum and Recommendation is detailed, cogent, and well-reasoned. The objections are unpersuasive.

Based on the briefing, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. Chase Bank's Motion for Partial Judgment on the Pleadings, (Docket Entry No. 21), is granted. Chase Bank's Motion for Summary Judgment, (Docket Entry No. 38), is granted in part and denied in part. Cadence Bank's Motion for Summary Judgment, (Docket Entry No. 41), is denied. Cadence Bank's common law claims are dismissed with prejudice; its claims under UCC §§ 4.208 and 4.302 will proceed to trial.

SIGNED on January 24, 2025, at Houston, Texas.



Lee H. Rosenthal
United States District Judge